

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

DWAYNE A. REDDICK,

Plaintiff,

v.

United States Department of Justice

Defendant.

Civil No. 05-256-SM

ORDER

1. On May 17, 2006, the United States was served with Dwayne Reddick's complaint filed under 42 U.S.C. § 1983, and Magistrate Judge James Muirhead's order dated May 11, 2006 which dismissed most of Reddick's claims, but ordered the United States to respond to Reddick's collateral due process allegation that he did not receive Constitutionally adequate notice of the U.S. Drug Enforcement Administration's ("DEA") administrative forfeiture of \$2,895 in U.S. Currency.

2. The United States has represented to the Court, by Declaration of John Cipriani, Acting Forfeiture Counsel for DEA, that the funds were seized by the Nashua Police Department, and that DEA adopted the forfeiture on November 17, 2003. DEA has also indicated that it was informed that Reddick was arrested on October 18, 2003, but released from incarceration on October 27, 2003.

3. According to Cipriani's Declaration, DEA sent two notices of the forfeiture proceeding to Dwayne Reddick at his last known residential address of 28 Railroad Square #20, Nashua, NH 03062. Both notices were returned to DEA, marked "unclaimed." After issuing

notice by publication in The Wall Street Journal for three consecutive weeks, DEA administratively forfeited the funds on March 24, 2004.

4. The Court will treat Reddick's due process complaint as a motion, pursuant to 18 U.S.C. § 983(e), to set aside DEA's nonjudicial forfeiture \$2,895 in U.S. Currency in DEA Case No. CG-04-0013, Asset Identification No. 04-DEA-428254. Based on the confession of error by the United States, pursuant to 18 U.S.C. § 983(e)(1)(B), the Court will grant Reddick's motion without prejudice to the United States, and its right to commence a subsequent proceeding against the \$2,895 in U.S. Currency within 60 days of the entry of this order.

Dated: July 24, 2006

/s/ Steven J. McAuliffe

United States District Judge